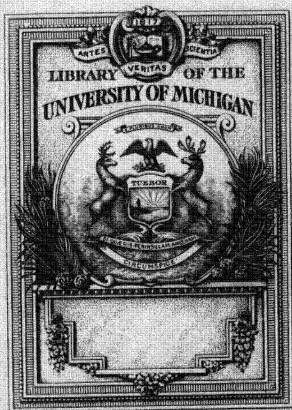


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Exclusion and Hawaii

By HENRY E. HIGHTON



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Ch. T. M. Spaulding
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EXCLUSION AND HAWAII.



(From the Advertiser, August 12, 1905)

Editor Advertiser: Looking at the Hawaiian labor question, as it actually exists, it may be doubtful whether it is sound policy to connect it with any movement on the mainland for a change of the exclusion laws. The larger issue will take care of itself. The necessity or expediency of a modification that will insure a steady labor supply for the sugar plantations depends upon conditions that were anticipated when annexation took place and that are peculiarly local. What is needed here is the introduction of a supply of Chinese laborers, for the special purpose of doing plantation work that cannot be done by the whites or by native citizens, under restrictions, as to residence, citizenship and treatment, that will prevent competition in other branches of industry, that will not conflict with our national institutions nor with the general policy of exclusion, and that will not excite an unreasonable antagonism among labor organizations nor among that large class of American citizens who believe that our government, for the present at least, is specialized in its adaptation to the Caucasian race.

There is serious misunderstanding in some quarters of the causes which led to the adoption of the exclusion laws. It is assumed that this legislation was entirely due to the violent opposition to Chinese laborers by classes of wage-earners with whom they competed. But this broad assumption is not true in fact. It is true that a very potent argument against the Chinese was their cheap living, their clannishness, their herding together, and the consequent

reduction of wages to a scale that white citizens were unable to endure. It is also true that there were many instances of violence, absolutely unjust and illegal, which however were caused mainly by the obstinate determination of capitalists, of the railroads especially, to force servile labor upon the American people, in order to carry out their projects and to enhance their profits. The sandlot movement in San Francisco, forcible exclusion in various parts of California and Nevada, the atrocities perpetrated in Wyoming, and other instances that might be cited, are illustrations of this phase of intense popular virulence, often worked up and used by political demagogues.

THE COOLIE QUESTION.

But while no fact or series of facts bearing upon the question is insignificant, the policy of the United States, expressed in treaties and in legislation, chiefly rested upon other and more logical grounds. Long prior to the incorporation of exclusion into our Federal legislation, it had been observed that Chinese coolies, who are far below the standard of the Chinese in Hawaii, had been carried in large numbers in American bottoms to places outside of our national territory, and that American ships were thus employed in the extension of a system of slavery that was essentially as bad as the African slave trade towards the end of the eighteenth and the beginning of the nineteenth centuries. When gold was discovered in California, and the extraordinary advancement in the

western part of the country began, the transportation of coolies to American soil was deliberately and systematically accomplished. The special inducements existing in California speedily attracted a large mass of this servile element of population. We had an African question in the South, only settled by the Civil War. It soon became a vital issue as to whether an Asiatic question was to be sprung in the West.

There were many references to this subject in presidential messages. On May 6, 1856, President Pierce called the attention of the House of Representatives to the transportation of Chinese coolies in American ships to Cuba and other countries, and transmitted a report of the Secretary of State on the wreck of the "Sea Witch," owned in New York and carrying 500 coolies, on the coast of Cuba. On May 26, 1860, President Buchanan sent to the House another report on the same topic from the Secretary of State. This was followed, on December 23, 1861, by still another report, specially transmitted by President Lincoln. On July 15, 1868, President Johnson, representing, as his predecessors had done and as his successors afterwards did, the moral and business sentiment of the people, in order to arrest the spreading evil, specifically recommended to Congress amendments to existing laws. In his annual message of December 6, 1869 President Grant vigorously condemned the coolie trade in both its branches and strongly urged legislation to preclude "the enslavement of the Chinese upon our soil under the name of coolies." On July 15, 1870, he presented to Congress a strong report on the subject from the Secretary of State, and, on December 1, 1873, in another message, he repeated his condemnation of the "infamous coolie trade."

THE BROADER QUESTION.

These are a few of the many evi-

dences of the fact that our national crusade for exclusion originated in the aversion of the American people to every form of slavery. But the introduction of many thousands of coolies upon American soil and their intrusion into American industries, furnished an opportunity for a practical estimate of the effects of their presence, materially, mentally and morally, and the most solid and permanent reasons for the stringent laws subsequently enacted, and which it is now proposed to extend to Japanese laborers. Wherever in the United States the coolies went, they established quarters for themselves. They had their own feuds, which frequently engendered turbulence and crime. They had not the slightest capacity even to comprehend American institutions or American civilization. They paid no attention to American law, except under compulsion. The conception of the family or the home was unknown among them. The opium joint was the most conspicuous feature in their settlements. They practiced intolerable vices, which were communicated to American youths, of both sexes. They demonstrated their utter inaptitude for American citizenship and exerted a demoralizing influence.

Some of these strictures, palpably accurate as against the coolies, do not apply to the better class of Chinese, docile, industrious and law abiding, to be found in the Hawaiian Islands. But there is a still broader and deeper sense, in which it came to be recognized by the closest thinkers, the wisest statesmen and the soundest citizens generally, that, while their enormous numbers and their inclination to emigrate rendered them dangerous, there was little room in American States for Chinese laborers. Without balancing comparisons, they are fundamentally different from the body of

American citizens, physically, intellectually and morally, and their accession in large numbers would tend to destroy the Republic. This conclusion was forced upon the mass of our citizens by observation and experience. The mission of the United States is the development of educated and honest citizens, and the resulting improvement of mankind. Our political system cannot co-exist with slavery or any form of serfdom or with non-assimilating elements of population. Our entire history, since 1787, has demonstrated that, in our internal relations, so far as human prescience can discern, it is essential to the integrity and prosperity of the country that the supreme object should be the growth of true citizenship, resting upon the moral and religious unities, with the family as the root of our social and political structure.

EXCLUSION LEGISLATION.

It results from what has been thus briefly sketched, that it is inaccurate and unjust to attribute our exclusion legislation to mere prejudice, or to the violence of mobs. On the contrary, it is based upon the coldest judgment of national conditions and necessities. As to the legislation itself, its history proves how carefully and gradually it was framed. On August 16th, 1859, an excellent commercial treaty between China and the United States was ratified. In 1868, in the face of the facts which had been rapidly accumulating, Anson G. Burlingame, acting on behalf of China, negotiated amendments to this treaty, which in their commercial features were beneficial, but which, except in the matter of naturalization, let down the bars and virtually placed this country at the mercy of hordes of Chinese aliens. Within ten years a treaty or legislation, or both, for the safety of the country, was imperatively de-

manded. President Hayes, in his veto message of March 1st, 1879, recognized the situation in the following words:

"The lapse of ten years since the negotiation of the Burlingame treaty, has exhibited to the notice of the Chinese Government, as well as to our people, the working of this experiment of immigration in great numbers of Chinese laborers to this country, and their maintenance here of all the traits of race, religion, manners and customs, habitations, mode of life, segregation here, and the keeping up of the ties of their original home, which stamp them as strangers and sojourners, and not as incorporated elements of our national life and growth."

On November 17th, 1880, the Chinese Government, by treaty, agreed that the United States, which possessed that power exclusive of treaty, might regulate, limit or suspend the incoming of Chinese laborers. Under this treaty, by the act of May 6th, 1882, they were excluded for ten years. Amendments to render the act more effective were approved July 5th, 1884. In his message of December 8th, 1885, President Cleveland justified the legislation by reference to the action of other countries, notably the Dominion of Canada, in which he said Chinese immigration was "regulated by laws more exclusive than our own." In 1886 China voluntarily acknowledged the principle of exclusion, to the extent that Chinese laborers in the United States, who revisited China, could be prevented from returning, but failed to ratify the treaty to that effect which was signed March 17th, 1888, in consequence of which the act of October 1st, 1888, prohibiting "any Chinese person" with certain specified exceptions, from entering the United States, was passed. On May 5th, 1892, the Geary Act, containing new and stringent provisions, extended exclusion for ten years from that date,

and, under habeas corpus proceedings, on May 15th, 1893, the validity of that act was sustained by the Supreme Court of the United States. Further and drastic amendments and supplements were enacted, November 3rd, 1893; August 18th, 1894; June 6th, 1900, and March 3rd, 1901. Meanwhile, on December 8th, 1894, a treaty had been ratified, by which it was provided that, for ten years from that date, except under conditions not substantially affecting the inhibition, the coming "of Chinese laborers to the United States shall be absolutely prohibited." This last treaty was to remain in force for ten years after December 8th, 1904, unless either party gave six months notice of its termination. The notice was given by China, and the treaty has not been renewed. Nevertheless, on April 29th, 1902, an act was passed extending all the exclusion laws indefinitely, which were not "inconsistent with treaty obligations," and applying those laws to the whole island territory, as they had been previously applied to Hawaii, by the joint resolution of July 7th, 1898.

TERRITORIAL POLICY.

In the face of this legislation and its causes, thus shortly reviewed, how can any reasonable man expect that the exclusion policy of the United States, sustained by the great mass of American citizens, without distinction of party, can be abandoned or even substantially changed? It ought to be apparent that such a demand is the most impolitic and suicidal course, in reference to the special needs of this territory, that could possibly be pursued. Every sovereign power has the inherent right to exclude undesirable elements of population, without reference to treaties which do not prohibit the exercise of the right. This is an elementary doctrine, fully recognized

by the highest judicial authority, and it is as sound in morals as it is in law. All independent nations are the sole judges of their own internal conditions and necessities. The act of excluding Chinese, Japanese or other Mongolian laborers, in no degree interferes with commercial relations and the free intercourse essential to promote them, and does not bear even an unfriendly complexion. The American people have sympathized with Japan in her present struggle with Russia. The American, the British and the Japanese governments are cordially united in a commercial policy, adapted to the Twentieth Century. But all this does not mean that a Japanese laborer has the absolute right to lodge himself on American soil or an American laborer on Japanese soil, if interdicted by law. A man has no privilege to enter his neighbor's house, which is "his castle," without invitation, and still less if prohibited. The territory of a nation is its castle, which it can open or close as it pleases. The enormous growth, now and potentially, of commerce and trade on the Pacific and in Asia, the prospective opening of the door in China to enterprise and energy, are in themselves among the grandest proofs of modern progress, but they supply no reasons for, but convincing reasons against, submission to the swamping of the United States by Asiatic hordes. Intelligent Japanese and Chinese statesmen perfectly understand the situation, and they well know that, if the conditions were reversed, neither Japan nor China would yield to an inundation of American laborers.

OUR SPECIAL NEEDS.

It is useless, a mere waste of time, to argue against the exclusion policy on the mainland. It has crystallized into a principle, which is also endorsed by American citizens in this territory. The special needs of Hawaii, however,

as already stated, depend upon peculiar and local conditions, and, when these conditions are clearly explained and the demand properly circumscribed, appeal with peculiar force to the American people and to Congress, on the ground not only of justice, but of mainland interests. When Hawaii was annexed, as also above mentioned, it was foreseen and urged against annexation that there would be serious difficulty in reconciling American institutions and mainland policies with the conditions and necessities of the islands. The labor question in connection with the plantations, was both fully and clearly discussed, and it was pointed out that, upon this matter, the laws existing on the mainland would be unsuitable. The answer was that Congress had ample power to legislate, exceptionally and directly, for the territory. Annexation became an accomplished fact, that cannot be obliterated, that indeed it would be undesirable to obliterate, and Congress is virtually pledged to guard and foster our local industries. It has been proved beyond controversy that citizens, native or imported, cannot or at least will not do the plantation work. Relief has been sought in many directions and, to some extent though temporarily, has been obtained. But, among all who have studied the facts, there is a consensus of opinion that permanent and effectual relief can only be secured through Chinese laborers, debarred from citizenship or from competition in skilled industries, protected in their own persons and property, restricted to residence here for a term of years, and among us the mere supply that meets an enforced demand in one line of business. It has also been proved that the labor of this class of Asiatics, and the resulting enlargement of the production of sugar, will be of great pecuniary advantage to skilled wage-earners. There has been and there can be no solid answer to

these propositions, which it devolves on Congress to investigate and to meet.

CONGRESS AND PUBLIC OPINION

But Congress will not act unless backed by public opinion, and how that may stand affected towards Hawaii depends largely upon the careful limitation of the request for Chinese labor and upon the precise and intelligent presentation of the case. There are difficulties in the way that might have been mitigated or removed years ago, if a different policy had been followed. Genuine American statesmen are keenly alive to the fact that the way to success in this country on any proposition that will bear investigation is to work, not from the government or the administration down, but from the people up. In every important issue in the history of the United States, the ultimate decision has been right. Convince the people that such legislation as Hawaii needs can be reached without affecting the principle of exclusion, that a supply of Chinese labor for the sugar plantations is a necessity, that this supply can be obtained without endangering the Americanization of the territory or interfering with the prerogatives of citizenship, and that the enlargement of the sugar industry is in line with the best interests of citizen labor, and the end desired can soon be reached. Success or failure will be scored through methods. Unionized and non-unionized labor on the mainland and here cannot be successfully ignored. There is a point on which Americans are unalterably determined and that is, that wages and living for citizens shall not be reduced to Asiatic standards. But with this point actually and not perfunctorily admitted, there is no more intelligent and reasonable a body of men in the world than American wage-earners, who are rapidly displacing the foreign disturbers in their ranks and the dis-

honest self-styled leaders who have used them for their own purposes. Notwithstanding many strikes and lock-outs, with their attendant disorder, the re-organization of labor unions in the United States within the last three years has steadily progressed. Corrupt "walking delegates" have been almost eliminated, and leadership is being transferred to men who respect the law and who are capable of apprehending facts and sanctioning reasonable measures.

Such men long ago would have been and now can be made familiar with the Hawaiian situation, as it really is, and are not committed to a "dog in the manger" opposition to whatever capital may propose. In this matter, as in all others, sincerity, integrity and the full acknowledgment of the American system, are and should be controlling factors.

THE BOYCOTT.

No intelligent American, looking at the question from a national standpoint, is afraid of the boycott in China, which is said to have originated in Hawaii. That the administration of the exclusion laws, as they operate on the excepted classes, has been harsh, severe, not consistent with international courtesy, and affected by the "color line," has long been apparent. President Roosevelt, with the definiteness that has marked his entire career, has already corrected this wrong and is justified by the nation, which will

allow no artificial and unjust obstructions to the growth of trade and commerce with Asia and will hold our government to the complete observance of international obligations. But President Roosevelt has shown no weakness in the policy of exclusion, and has distinctly enforced the true line of demarcation. This fact does not imply that he is unable to appreciate Hawaiian necessities.

THE CONGRESSIONAL PLEDGE.

There are no facts either in China or in the United States that militate against the fulfillment of the congressional pledge to Hawaii, at the time of annexation, by which also the American people are substantially bound. That pledge, not formulated in words but implied in the very act of annexation and its surroundings, requires such localized and circumscribed legislation as is essential to the prosperity of the plantations. There are reciprocal obligations on the part of the islands, the performance of which, with the cooperation of the planters, is equally binding. The accession of American citizens and the gradual distribution of the public lands not required for the sugar cane, are matters which are now receiving official attention. The true policy of Hawaii is the acceptance of annexation with all its results, and the most harmonious relations with the Federal government and the people. This attitude will secure practical recognition of its own wants.

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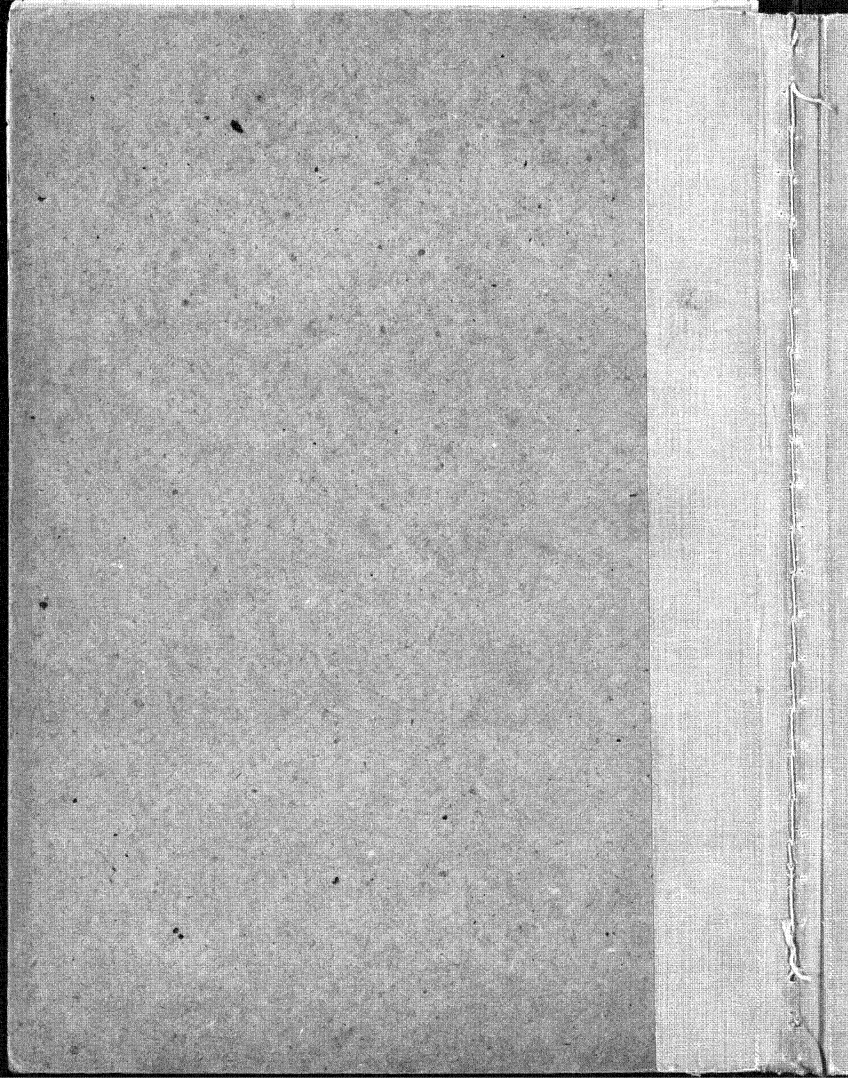
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